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TO:

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Commissioner of Patents

571.273.8300

FROM: William H. Quirk DATE: 02/02/2011 TIME: _____
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TOTAL NO. OF PAGES: 7 CLIENT/MATTER: 81227.00001
(including cover page)

COMMENTS

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OFFICE OF PETITIONS
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|--|
| APPLICANT: Maternus Partners Ltd. | ATTY DKT NO. 80191.00002 |
| INVENTOR: Richard L. Watson Jr., et al | SR. ATTORNEY: Paul Shanowski |
| PATENT NO. 6,443,958 | ATTORNEY OF RECORD: |
| APPLICATION NO.: 09/874,770 | William H. Quirk |
| ISSUED: September 3, 2002 | Tuggey Rosenthal Pauerstein |
| TITLE: UMBILICAL CORD CLAMP AND CUTTER | Sandoloski Agather LLP |
| | 755 E. Mulberry Ave. |
| | Suite 200 |
| | San Antonio, TX 78212 |
| | 210.244.8844 |
| | wquirk@trpsalaw.com |
| TO: Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450 | |

**RESPONSE TO DECISION ON PETITION
PURSUANT TO 37 C.F.R. § 1.378(B)
AND
PETITION TO ACCEPT UNINTENTIONAL
DELAYED PAYMENT OF MAINTENANCE FEE
IN COMPLIANCE WITH 37 C.F.R. 1.378(C)**

Background

We submitted a Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in compliance with 37 C.F.R. 1.378 on November 19, 2010. On January 12, 2011, a Decision was rendered in which our Petition was Dismissed. Therefore, the Applicant is now petitioning that the Examiner reinstate Patent 6,443,958 due to unintentional delayed payment of the 7-1/2 year maintenance fee. We further respectfully request that the \$700 surcharge previously paid with the Petition to Accept Unavoidably Delayed Payment be applied toward the surcharge due (\$1,640) with this request for reinstatement due to unintentional delayed payment of maintenance fee in compliance with 37 C.F.R. 1.378(c).

02/07/2011 DALLEN 00000005 6443958

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940.00 DP

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Unintentionally Delayed Maintenance Fee Payment

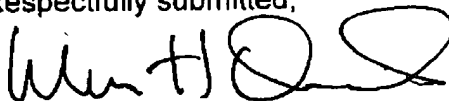
For reasons previously submitted and for other reasons, Applicant respectfully submits that the delay in payment of the maintenance fee was unintentional.

Surcharge Fee

The maintenance fee of \$1,240 and surcharge of \$700 were paid on November 17, 2010 when we submitted the previous request for reinstatement. We respectfully request that the \$700 surcharge previously paid be applied toward the \$1,640 surcharge required for the Unintentionally Delayed Maintenance Fee Payment reinstatement request being submitted now. Therefore, we are submitting a surcharge fee of \$940 with this application.

The Office is authorized to deduct any deficient fees or apply any excess fees to deposit account 502248.

Respectfully submitted,



William H. Quirk
Reg. No. 33,996

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PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

80191.00002

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,443,958Application Number 09/874,770Issue Date September 3, 2002Filing Date June 5, 2001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Feb 2, 2011
Date

Janis Deitz
Signature

Janis Deitz

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity | | | Small Entity | | |
|-----------------------------------|-------------|--------|--|-------------|--------|
| Amount | Fee | (Code) | Amount | Fee | (Code) |
| <input type="checkbox"/> \$ _____ | 3 ½ yr fee | (1551) | <input type="checkbox"/> \$ _____ | 3 ½ yr fee | (2551) |
| <input type="checkbox"/> \$ _____ | 7 ½ yr fee | (1552) | <input type="checkbox"/> \$ <u>previously paid</u> | 7 ½ yr fee | (2552) |
| <input type="checkbox"/> \$ _____ | 11 ½ yr fee | (1553) | <input type="checkbox"/> \$ _____ | 11 ½ yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 940

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 502248

FEB 02 2011

PTO/SB/66 (03-09)

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7. OVERPAYMENT

As to any overpayment made please

OR

Credit to Deposit Account No. 502248

Send refund check

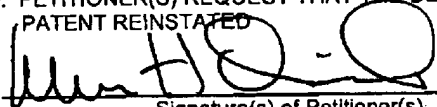
WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED


Signature(s) of Petitioner(s)2-2-2011
Date

William H. Quirk

Typed or printed name(s)

33,996

Registration Number, if applicable

1-210-244-8844

Telephone Number

Tuggey Rosenthal Pauerstein Sandomoski Agather LLP

Address

700 E. Mulberry Ave., Suite 200, San Antonio, TX 78212

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES



Maintenance Fee Payment



Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)



Petition to Accept Unintentional Delayed Payment of Maintenance Fee

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